IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 28.03.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.3230 of 2004

1.The Home Secretary to
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-9.

2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-4. .. Appellants/Respondents

Vs.

V-Can Network (P) ltd.,
rep. by its Chairman-cum-Managing
Director R.Radhakrishnan,
17-A, Muthuramalaingam Street,
Rajaji Colony, Saligramam,
Chennai-93. .. Respondent/Petitiioner

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.05.2002 made in W.P.No.16170 of 2002.

W.P.No. 16170 of 2002:

Petition presented to this Court under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from any manner interfering with the lawful business activities of the petitioner in selling of the products and services under the Multi level Marketing scheme by either freezing the Bank Accounts or seizing the account books of the petitioner or by any other means without following the due process of law.

For Appellants : Mr.P.Subramnain,
Government Advocate
For Respondent : No appearance

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JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM, J.)

The writ appeal is directed against the order of the learned single Judge dated 14.05.2002 made in W.P.No.16170 of 2002, in and by which, the learned single Judge, considering the grievance of the writ petitioner and affording sufficient safeguard to the official respondents, disposed of the said writ petition.

2. Heard the learned Government Advocate for the appellants. The respondent, though duly served notice through Court, has not chosen to contest the appeal by engaging the counsel.

3. The observations made by the learned single Judge in paragraph 4 are relevant, which reads as follows:

> "Considering the grievance of the petitioners, of course a blanket mandamus as prayed for cannot be granted, but the respondents are directed not to interfere with the regular and lawful business of the petitioner, so long as the business is within the ambit of the rules and regulations. It the authorities find any illegal activities, equally it is open to them to take action after issue of show cause notice."

4. It is clear from the said order that if the writ petitioner carries lawful business, the same cannot be interfered with by the official respondents. On the other hand, if the authorities find that the activities of the respondent-writ petitioner are illegal and contrary to the statutory provisions or orders of the Government, they are free to take action against them, after issuing show cause notice. In such circumstances, we are of the view that the said order cannot be faulted with.

5. The writ appeal fails and the same is dismissed. No costs.

raa

Sd/
Asst. Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Hoome Secretary,
Govt of Tamil Nadu,
Secretariat, Fort St George,
Chennai -9.
2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-4.

+ One cc to Govt Pleader SR 19984
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W.A.No.3230 of 2004
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